



**MCDOWELL SONORAN PRESERVE COMMISSION
7447 E. INDIAN SCHOOL ROAD
ONE CIVIC - 1st FLOOR
COMMUNITY DEVELOPMENT CONFERENCE ROOMS
SCOTTSDALE, ARIZONA 85251
THURSDAY, MARCH 2, 2006
5:00PM**

MEETING MINUTES

PRESENT: Art DeCabooter, Chairman
Carla
Erik Filsinger
Joan Fudala
Gerry Miller
Arnold Roy
Linda Whitehead
Solange Whitehead

ABSENT: Christina Kovach, Vice-chair
Melinda Gulick
Virginia Korte

STAFF: Bob Cafarella, McDowell Sonoran Preserve Director
Scott Hamilton, Trails Planner
Claire Miller, McDowell Sonoran Preserve Manager

ALSO PRESENT: Craig Clifford, City CFO
Lee Guillory, Financial Services
Al Dreska, Municipal Services

GUEST: Dan Gruber, Conservancy Steward

1. **CALL TO ORDER AND INTRODUCTIONS**

Chairman DeCabooter called the meeting to order at 5:09 p.m.

2. **POSSIBLE ACTION: APPROVAL OF FEBRUARY 9, 2006 SPECIAL MEETING MINUTES & FEBRUARY 15, 2006 JOINT MEETING MINUTES**

COMMISSIONER FUDALA MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 9, 2006 SPECIAL MEETING AND THE FEBRUARY 15, 2006 JOINT MEETING. THE MOTION WAS SECONDED BY COMMISSIONER LINDA WHITEHEAD AND CARRIED UNANIMOUSLY BY A VOTE OF EIGHT (8) TO ZERO (0).

3. **DISSCUSSION/POSSIBLE ACTION: BOND FUND TRANSFER FROM LOST DOG WASH ACCESS AREA-COMMISSIONERS**

Mr. Bob Cafarella, McDowell Sonoran Preserve Director, distributed a memo addressed to the Mayor and City Council that he and Chairman DeCabooter drafted following discussion at the previous meeting. He noted that Commissioner Linda Whitehead requested that the item be on the agenda in order to give the opportunity for additional comment.

Commissioner Linda Whitehead noted this was the third time that the bond fund transfer item appeared on the agenda. It was pulled once from the consent agenda and once from the regular agenda. In February a discussion took place regarding the Preserve Commission's right to comment and make recommendations when dedicated funds may be moved.

Mr. Craig Clifford, Financial Services General Manager, addressed the Commission, presenting a handout for their review. He mentioned that the bond fund transfer item had been pulled from the past meeting because the City Manager asked that the adjustments for the Senior Center be addressed. He reviewed the handout which included a complete recapitulation of expenditures and assessment of the Preserve program through December 2005. He directed the Commission's attention to the last two pages in the packet which deal with the privilege tax and the residual cash balance. The Preserve Commission is not currently being allowed to use those funds for any purchases, because funds are part of the debt service reserve. After reviewing the financial information in the handout, Mr. Clifford noted that extremely conservative revenue forecasts indicate that there is close to \$421million in the fund, which should compound to \$1.2 billion in the future.

Mr. Clifford explained that the reason the bond fund had been brought forward was to make certain the project for the Senior Center was completed. Other options considered included analyzing what other bond projects could be could be offset, the limited bond interest earnings, and the general fund contingency. He added that it is his job to bring all of the options forward to City Council.

Commissioner Filsinger opined that there should be protocols for alerting the Preserve Commission to an action before it is brought to City Council, because the Commission has a duty to look after the interest of the Preserve.

Mr. Clifford committed that he or a member of his staff would attend all Preserve Commission Meetings in the future in order to be sure they are informed. He

added that the question put to voters was for library, park, and recreational facilities.

Commissioner Carla expressed concern that the proposal to Council did not initiate with the Preserve Commission and that the public perception is that funds are being diverted. She opined that option A would be the better choice because it would not necessitate any increase in property tax values.

Commissioner Linda Whitehead commented that perception and reality are critical. Opining that the public perception would be that there was a diversion of Preserve taxes to another use, she noted that the reality is there are no assurances that the public would not have to be asked for more money, or what the result of Conserving Arizona's Future would be. She opined that the City should not divert money the public believes is for Preserve use to another use.

Mr. Clifford noted that he would communicate the Commission's sentiments to the City Council. Considering their opinion, he suggested that the Commission recommend that Preserve sales tax monies be withheld from the access projects in the Preserve until they know the outcome of the election and the cost of the acquisition.

Commissioner Carla mentioned that an application for Preserve connections was not included in the Heritage Grant application because staff felt they were directed to bring items of this type to the Commission for review before the item went to City Council. She cautioned that the Commission needs to be careful not to tie staff's hands to the point that they are unable to do their job. Commissioner Linda Whitehead opined that the direction to have it reviewed would not apply in that case because the item was a diversion to what was still a Preserve use.

Chairman DeCabooter commented that this item should be carried over for future discussion.

4. **DISCUSSION/POSSIBLE ACTION: PROCESS TO REVIEW ACCESS AREA PLAN AND CONCEPTUAL PRESERVE TRAILS PLAN**

Commissioner Solange Whitehead suggested that because the current access plan is ten years old, the actual usage and desired usage should be reviewed by an ad hoc committee prior to acquiring the northern sections.

A discussion ensued concerning the most useful way to address a review of the access plan. Commissioner Miller commented that the plan should be reviewed every five years to keep it current and in order to update new Commissioners. He suggested that there may be a need for multiple committees because of the amount of work that would need to be accomplished.

Commissioner Carla reminded the Commission that the process of creating the plan took eight months of research and extensive public outreach and they need to be careful not to overload the staff with research when they are trying to get the access areas open. It was the general consensus of the Commission that they would review information as directed by Mr. Cafarella and would have a

work study session to review the history of the access plan and to allow for input on plans for the northern State Land that would be acquired in November.

5. **DISCUSSION/POSSIBLE ACTION: SCOTTSDALE'S WIRELESS ORDINANCE**

Mr. Cafarella reviewed the situation with a wireless request in December which went to City Council and was sent back to the Planning commission with questions. He recalled a suggestion from one of the Preserve Commissioners that it be requested that the Ordinance be changed to permit no wireless facilities in the Preserve. He noted that currently there is only a requirement for a use permit, which leaves potential for a facility to be placed in the Preserve.

Commissioner Linda Whitehead recalled the lengthy process of getting the current wireless ordinance updated. She expressed concern that the mechanism of a use permit had been used as a means of getting certain types of wireless facilities in the preserve. She opined that the Preserve Commission should not push for a review of the Ordinance, noting that there is strong support requiring every other option to be exhausted. She suggested the Commission be more vocal when wireless communications issues come forward.

Commissioner Solange Whitehead mentioned that the request looks somewhat benign and until the Preserve Commission communicated to them, City Council did not realize what the request implied.

Commissioner Roy mentioned an article in the Wall Street Journal discussing how cell towers may become obsolete because satellite companies are entering the cell phone industry.

Commissioner Miller reported that the 1997 Telecommunications Act legislated stringent controls which would prevent modifying the City Ordinance to say no cell towers in the Preserve. He wondered if there was a way to state that there could be no towers in the Preserve because the area would be serviced by the surrounding areas. Mr. Cafarella stated that residents do not want the towers in their neighborhood.

In response to a question by Commissioner Fudala, Mr. Cafarella explained that vendors are given detailed information about the application process when they apply. They frequently find another option.

Commissioner Solange Whitehead mentioned that a couple of the Councilmembers had made particular note that in 2000, City Staff were supposed to amend the Wireless Communication Ordinance to be in accord with the Preserve Ordinance.

Commissioner Linda Whitehead observed that the T-Mobil application was brought through to City Council because they were encouraged by Planning Department Staff. She noted that she was offended that they would put the item on consent agenda without regard for the concerns and objections of the Preserve Commission.

6. **UPDATE: STATE LAND REFORM - CONSERVANCY EXECUTIVE DIRECTOR**

Commissioner Carla reported that they have acquired 180,000 signatures for Conserving Arizona's Future. She mentioned that the bill introduced to Senate to give the Legislature a more positive avenue has died. The State Trust Land Reform Bill in the Legislature is moving forward and will likely be on the same ballot as Conserving Arizona's Future. The writer's intent was to have two state land reform bills on the ballot in November and thereby confuse the voters. Commissioner Carla opined that instead of just running a Yes on Conserving Arizona's Future campaign, they would have to run an additional campaign, No on the State Trust Land Reform Bill.

7. **DIRECTOR'S REPORT**

Mr. Cafarella mentioned that after the joint meeting with the Parks Commission, he received comments from the Parks Commissioners that they appreciated being invited to participate and found it exciting. He remarked that the newspapers had articles about the positive experience of the open house that was held the next night and presented a copy of an article with photographs.

Mr. Cafarella reported that staff are going to the Conservancy Board retreat to present the management and maintenance requirements of the Preserve. He presented the Commissioners with copies of the information staff would be presenting to the Conservancy. He suggested that the item be placed on the agenda for discussion after the retreat.

Mr. Cafarella reported that Lost Dog Wash Access Area is still on schedule to open on May 20, 2006. He gave an update on the progress of certain components. He mentioned that the Lost Dog Wash Trail Map is in printing production.

Mr. Cafarella reported that they started the process with the County on opening Thompson Peak and that they would need to take legal action. He noted that it would be a long process and staff will provide monthly updates.

8. **PRESERVE MANAGER'S REPORT**

Ms. Claire Miller, McDowell Sonoran Preserve Manager, addressed the Commission. She displayed a map of the Preserve and indicated where the recent fires started, noting that the fire does not seem to have affected the Preserve. Commissioner Miller mentioned the professionalism of the fire fighters in handling the fire. It was the consensus of the Commission to send them a letter of commendation. Ms. Miller mentioned that she appreciated the fact that several stewards called her within minutes of the fire beginning.

Carla mentioned that the Conservancy received a phone call from Linthicum Construction, whose subcontractor was responsible for starting the fire. The company volunteered to be proactive with the Preserve in the future.

Ms. Miller reported a successful project last Saturday with an Eagle Scout group and a group from Chaparral High School National Honor Society. They had over fifty participants and planted well over two hundred cactus near the Cactus Road scenic monument. She reported that the Eagle Scouts have been a great resource and have projects planned through May.

She mentioned discussions about having wildlife-friendly mine shaft covers put out at the Bell Pass area.

Ms. Miller reported that Dennis was making progress on the Bell Pass/Dixie Mine area trails. The Bell Loop has been completed and they expect to be finished at the end of March.

Ms. Miller reminded the Commission that there would be a meet and greet at the Granite Mountain multi-use area on March 18, 2006.

The Windgate Pass Equestrian Ride has been rescheduled for Friday, March 24.

Ms. Miller mentioned that Myrna Smith, one of the stewards, lost her battle with cancer last week. Myrna was very involved in the McDowell Mountain Regional Park.

Ms. Miller commented that the next Planning Committee meeting notice had been sent out for Thursday, March 23. Joe Yarken sent a note stating he would not be able to participate as much, but he hopes to keep whoever replaces him involved in the Planning Committee and with the Scottsdale Preserve effort.

Ms. Miller clarified that any Commissioner going to the State Lands for recreational purposes needs a recreational permit. She noted if they are on State Lands as a steward, working on a project, or patrolling an area, then they fall within the Preserve's right of entry. Staff can provide Commissioners with a letter to document their right of entry.

9. **FUTURE EXECUTIVE SESSION FOR MCDOWELL SONORAN PRESERVE COMMISSION**

COMMISSIONER MILLER MOVED FOR AN EXECUTIVE SESSION TO BE HELD ON APRIL 6, 2006. SECONDED BY COMMISSIONER FUDALA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF EIGHT (8) TO ZERO (0).

10. **COMMISSIONER'S COMMENTS AND PUBLIC COMMENTS**

Commissioner Linda Whitehead asked how the Commission's concern about the transfer and its support of the CIP option can be relayed to City Council. Mr. Cafarella replied that the City Council has that information and suggested that the Commissioners attend the meeting on March 7th to express their opinions.

Commissioner Miller reported that the invasive weed project is moving forward. The Central Arizona Weed Management Area has requested that a group develop communication methods and distribute information materials to

homeowners near the Preserve. Commissioner Miller volunteered that Scottsdale would serve as a good beta site because of the Preserve. A meeting is scheduled for next week with most of the parties in Scottsdale to gather information for the educational materials.

11. **MEETING DATE FOR JOINT MEETING WITH TOURISM COMMISSION**

Mr. Cafarella noted that a date for the Joint Meeting with the Tourism Commission has not been decided on yet. He will e-mail the information as he learns more.

12. **AGENDA ITEMS FOR FUTURE MEETINGS - NEXT REGULARLY SCHEDULED MEETING APRIL 6**

Carla asked that the public safety meeting be kept light so that there can be some in depth discussion, and that it be placed on the agenda for possible recommendations.

13. **ADJORNMENT TO EXECUTIVE SESSION**

None.

With no further business to discuss, and no need for an executive session, the meeting adjourned at 6:43 p.m.

Respectfully submitted,
AV-Tronics, Inc.